

**11640. Adulteration of shell eggs. U. S. v. Tucker Mercantile Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11346. I. S. Nos. 7536-r, 7537-r, 7539-r)**

On December 15, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tucker Mercantile Co., a corporation, Knox City, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about July 5, 7, and 14, 1919, respectively, from the State of Texas into the State of Oklahoma, of quantities of shell eggs which were adulterated. The article was labeled in part: "From Tucker Mercantile Co., Knox City, Texas."

Examination by the Bureau of Chemistry of this department of 360 eggs from each of the consignments showed that 70, 28, and 180, respectively, or 19.44, 7.77, and 50 per cent, respectively, of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11641. Adulteration of coal-tar color. U. S. v. 2 Cans of Red Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14630. I. S. Nos. 2330-t, 2331-t. S. No. E-3176.)**

On March 15, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cans of red coal-tar color at Carnegie, Pa., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about February 25, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "2 Lbs. Net Manufacturing Chemists W. B. Wood Mfg. Co. The House of Quality St. Louis, Mo. Importers Of Colors Complies With All Requirements Warranted Quality Color Buy The Original Buy Them From The Importer Number 112" (or "Number 10") "Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted fully or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11642. Misbranding of ox feed. U. S. v. James Byron Tutt (J. B. Tutt Grain Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 14747. I. S. No. 10531-r.)**

On September 19, 1921, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Byron Tutt, trading as J. B. Tutt Grain Co., Meridian, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 11, 1920, from the State of Mississippi into the State of Alabama, of a quantity of ox feed which was misbranded. The article was labeled in part: "100 Pounds 'Oxlife' Cow And Ox Feed Manufactured By J. B. Tutt Grain Company Meridian, Mississippi Guaranteed Analysis Crude Fat 2.00 3.00 per cent. Protein 9.00 10.00 per cent. \* \* \* Crude Fibre, not over 26.00 30.84 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 1.47 per cent of ether extract (crude fat), 8.63 per cent of crude protein, and 35.13 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Crude Fat 2.00 \* \* \* per cent. Protein 9.00 \* \* \* per cent. \* \* \* Crude Fibre, not over

26.00 \* \* \* per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 2 per cent of fat, not less than 9 per cent of protein, and not more than 26 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 2 per cent of crude fat, not less than 9 per cent of protein, and not more than 26 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 2 per cent of fat, 9 per cent of protein, and more than 26 per cent of crude fiber, to wit, 1.47 per cent of crude fat, approximately 8.63 per cent of protein, and 35.13 per cent of crude fiber.

On September 18, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11643. Misbranding [adulteration] of chloroform. U. S. v. 190 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16551. S. No. C-3682.)

On July 3, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 cans of chloroform at Cincinnati, Ohio, consigned on or about March 6, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On November 18, 1922, no claimant having appeared for the property, judgment of the court was entered finding the material allegations of the libel to be true and the product to be misbranded, and ordering that it be condemned and forfeited and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11644. Misbranding [adulteration] of chloroform. U. S. v. 44 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16622. I. S. No. 2523-t. S. No. C-3700.)

On July 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cans of chloroform at Hamilton, Ohio, consigned April 11, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear and it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On November 18, 1922, no claimant having appeared for the property, judgment of the court was entered finding the material allegations of the libel to be true and the product to be misbranded and ordering that it be condemned and forfeited and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*